



STATE OF UTAH
OFFICE OF LEGISLATIVE RESEARCH & GENERAL COUNSEL

UTAH LEGISLATIVE INTERN GUIDE

UTAH LEGISLATIVE INTERN GUIDE

A Guide for Interns Serving the Utah Legislature

Office of Legislative Research and General Counsel

September 2005

TABLE OF CONTENTS

How to Have a Successful Internship	1
The Utah Legislature	6
Legislative Staff	13
How a Bill Becomes Law	17
Tracking Legislation	21
Colors of Bills, Amendments, and Subtitles	22
Sources of Information	23
How to Use the Utah Code	24
Intern Protocol	26
Legislative Procedure	29
Glossary of Legislative Terms	39
Budgetary Process	43

HOW TO HAVE A SUCCESSFUL INTERNSHIP

Intern Services

Interns function as support staff to aid legislators in making policy decisions. As an intern, your task is to provide assistance to the legislator to whom you are assigned. You are responsible for completing, in a timely and professional manner, all tasks assigned to you by your legislator.

The following responsibilities are examples of what you may be asked to do:

- Arrangements for expert witnesses
- Bill analysis
- Bill filing
- Briefings and social meetings
- Committee meeting attendance
- Constituent services
- Executive agency research
- General correspondence
- In–depth & spot research
- Legislative tracking
- Legislator briefing
- Meetings with lobbyists and permanent legislative staff
- Polling of other legislators
- Public relations
- Speech writing
- Surveys

Required Knowledge, Skills, and Attitudes

Knowledge of:

- Organization and functions of state government;
- English usage and style;
- Computer skills.

Ability to:

- Adapt to a rigorous work schedule;
- Express one's self accurately and ably in writing and speaking;
- Take initiative in planning, organizing, and demonstrating personal resourcefulness;
- Relate well to others;
- Establish and maintain effective working relationships with legislators, professional legislative staff, public officials, and the general public.

Willingness to:

- Adapt to the unique requirements of the legislative process;

- Take directions and carry them out in an independent and professional manner;
- Perform mundane tasks.

Anticipate Needs

You can anticipate the needs of your legislator by taking the initiative and performing tasks on your own. Legislators are so involved with what is happening today in the session, by looking ahead and anticipating your legislator's future needs, you can be of great assistance.

Ask yourself the following questions:

1. "What legislation is my legislator sponsoring? Have I read it?" Track his legislation and determine when it will be in a standing committee, up for final voting, or considered in the other house.
2. "What important issues are facing this session of the Legislature? What issues are important to my legislator?" By studying his issues and developing expertise in those areas, you can readily answer questions and prepare research specific to your legislator's needs.
3. "What is my legislator's appropriations assignment?" Study the budgets and become familiar with the departments reviewed by your legislator.
4. "What resolutions or amendments to legislation does my legislator show interest?" Volunteer to prepare a draft of those issues that will meet his needs. Be sure that your resolution or amendment is reviewed by the drafting attorney in the Office of Legislative Research and General Counsel.
5. "What bills are on the consent calendar? Would my legislator like a short summary of each? How about bills on the third reading calendar?"

Obviously, the possibilities of anticipating needs are endless. Take time to imagine and contemplate services you can perform.

Know the Constituency

What kind of people does your legislator represent? Knowing whether your legislator's constituency is urban or rural is important. *Demographic Profiles of Legislative Districts* are available at <http://le.utah.gov> under Publications.

Develop Good Working Relationships

Much of the success of your internship will depend on your ability to establish good working relationships. Some points to remember as you develop these relationships are:

1. Earn your legislator's confidence.
2. Be reliable. Establish a strict working schedule, complete assigned tasks, and promptly complete all constituent requests.
3. Be honest. Remember an internship is a learning process. Perfection is not required.
4. Demonstrate willingness to work. Respond to every request and help move the legislative process along.

Be Accessible

One of the most important aspects of a successful internship is being accessible to your assigned legislator. Be available to promptly assist your legislator. In order to be as accessible as possible, do the following:

1. Develop a regular meeting schedule with your legislator throughout the session.
2. Give the intern office phone number to your legislator. Messages can always be left there. When you leave the office, tell the intern office manager where you can be located.
3. Once a schedule has been established, stay with it. Be available to your legislator between 8:00 a.m. to 5:00 p.m.
4. Stay close to your legislator by remaining physically accessible without being on the chamber floor.
5. Balance your workload so that your legislator receives the assistance he expects and deserves.

Communicate Effectively

Another important aspect of a successful internship is good communication between you and your legislator. The ability to quickly understand instructions is essential. Some aspects of good communication are:

1. Listen. Be completely attentive to the task at hand.
2. Be sure you clearly understand what your legislator is saying. Ask questions and provide feedback.
3. While gathering information, ask specific questions which will help you quickly obtain needed data. Instead of saying, "I need some information on drunk driving," be more specific, such as: "I need to know the number of D.U.I. citations issued in Salt Lake County during 1996."

Sharpen Your Interpersonal Skills

1. Be friendly and it will pay dividends toward a memorable internship.
2. Be courteous and use good judgement.
3. Remember that working in the legislature is often like being in a pressure cooker ready to explode. Keep your cool.
4. Since a "perfect" personality match is not always possible, make every interaction with your legislator positive and cheerful.

Learn How to Research a Bill

1. Identify the issues involved:
 - a. Call the administrative agency involved with the bill.
 - b. Talk with the sponsor or the sponsor's intern.
2. Do research:
 - a. Contact the attorney or policy analyst assigned to the bill to determine whether similar legislation has been proposed in the past.
 - b. Identify and study similar state and federal laws.
 - c. Identify the proponents and opponents of the bill (committee staff should be able to supply most of these names). You may need to contact both parties to discuss their respective positions. If possible, obtain written position statements or any documentation they may have.
 - d. Attend the committee hearing on the bill. Take notes on testimony given. Obtain any other statements or information available from the committee staff.

- e. Determine if this is a bill recommended by an interim committee and research the interim committee history.
- f. Call the appropriate agency to obtain data that will help in your analysis.
- g. Determine if the governor has taken a position on the issue addressed by the bill.

Learn How to Prepare a Briefing Paper

1. Make your paper succinct; one or two pages is usually sufficient.
2. Use an outline form.
3. Summarize the issues involved, the problems with the current situation that need correcting, any fiscal impact, and arguments for and against the bill.

Provide Constituent Services

It is important to keep a written record of all constituent casework and promptly respond to each request.

The following are some of the more common constituent requests:

- **Interest in legislation.** Research the present status of the bill, summarize its main provisions, and inform the constituent of the legislator's position on the bill. If your legislator does not agree with a constituent, he may have compelling reasons to disagree. These reasons should be communicated to the constituent. If your legislator concurs that a change should be made, but does not agree with the change proposed by the constituent, further information may be requested.
- **Request for information.** Locate the requested information and prepare a response to the constituent.

January 22, 2006

Ms. John E. Doe
100 Blank Street
Small Town, Utah 84000

Dear Ms. Doe:

Thank you for your letter expressing support for Senate Bill 32. I appreciate your taking the time and effort to contact me.

As you are aware, there are pros and cons to nearly every piece of legislation presented for my vote. As your Senator, I am required to analyze each bill to determine its merits or shortcomings from the standpoint of broad public policy. After thorough review of all issues surrounding Senate Bill 32, I determined that it was in the public interest to vote against the measure.

Attached is a more detailed explanation of my decision, and I hope it will assist you in understanding why I found it necessary to vote as I did.

I would welcome your input and any suggestions you may have in other legislative matters.

With kind regards.

Sincerely,

John J. Jones
Senator

JJJ: hg

Enclosure

THE UTAH LEGISLATURE

General Information

Organization

The legislative powers of the state are vested in a Senate and House of Representatives designated as the Utah State Legislature. The Utah Constitution requires the Legislature to meet annually in a general session beginning on the third Monday in January. The Senate has 29 members and the House of Representatives has 75 members. The Utah Constitution mandates that “senators shall never exceed 30 in number and the number of representatives shall never be less than twice or greater than three times the number of senators.”

Length of Sessions

The Utah Constitution establishes the length of legislative sessions. The general session cannot exceed 45 calendar days. These time limits do not apply if the legislature is involved with cases of impeachment. If the legislature convenes itself into a veto session, it cannot exceed five calendar days. A special session is called by the governor and may not exceed 30 days.

Qualifications

To be eligible to serve as a legislator, a person must be a citizen of the United States, at least 25 years old, a qualified voter from the district from which he is chosen, a resident of the state for at least three years, and a resident for six months of the district from which he is elected.

Compensation

Until 1982, legislators compensation was set by the constitution. In 1982, the constitution was amended to establish a Citizen’s Salary Commission. Members of this commission are appointed by the governor. The commission makes salary level recommendations to the legislature who may either accept the recommendations or adopt a lower salary. The legislature cannot set salaries at a level higher than recommended by the commission.

Leadership

Introduction

As with any organization, the legislature requires able leaders. This section describes the duties of leaders in both houses of the legislature.

Presiding Officer

The presiding officer in the House of Representatives is the speaker. Elected from the majority party, the speaker’s duty is to ensure that the primary operations and functions of the House of Representatives are accomplished.

The presiding officer in the Senate is the president, who is elected by senators from the majority party and responsible for the order of business when the Senate is in session.

Some of the duties assigned to the speaker and president include:

1. Supervising the officers and employees in their respective houses;

2. Assigning locations for news media representatives;
3. Chairing the daily sessions of the house;
4. Announcing the daily order of business;
5. Receiving all motions and propositions submitted from the floor;
6. Conducting the voting on measures and announcing all results;
7. Maintaining order and even flow of floor debate;
8. Enforcing order and decorum among legislators and in the gallery;
9. Informing the houses on any point of order or practice;
10. Receiving messages from the other house or from other branches of government and adequately informing colleagues;
11. Affixing a signature to those matters which have been adopted by their respective houses; and
12. Naming members of the committees when directed to do so in any particular case or when the rules require it.

Members of each chamber give considerable deference to their presiding officer and much of the legislature's success depends on the ability of these two officials to maintain an even flow of business on their chamber floors.

Majority Leader

Within each house, the majority party selects a person to serve as a leader on the floor of each chamber. The policy and position of the majority party on many issues is formulated and implemented by the majority leader. Some of the majority leader's duties include:

1. Managing legislation on the floor;
2. Mobilizing party strength behind legislation; and
3. Communicating with the minority party.

Minority Leader

The minority leaders in each house serve as official spokesmen for the minority party and essentially have the same responsibilities in their parties as the majority leaders. The majority leaders and minority leaders frequently develop close communication and working relationships, particularly regarding legislative scheduling. Many of the political party interactions are accomplished by direct discussions between the majority and minority leaders. These leaders are assisted by assistant leaders or "whips."

Party Whips

The whips, appointed by both parties in the House and Senate, serve as "the eyes and ears" of the majority and minority leadership. They assist in informing their colleagues of the party's position on any issue and in encouraging support of party programs. The extent of the party whip's responsibility is essentially dependent upon the majority and minority leader's willingness to rely on him. The term "whip" originated from fox hunting where who controls the hounds is called the "whipperin."

Relations Between the Two Houses

Shortly after the houses have elected their respective officers, the legislature convenes in a joint session to hear the governor report on the condition of the state, to make pertinent

recommendations for legislative action, and to deliver a message on the budget. When a joint convention of the two houses is convened in the House Chamber, the president of the Senate presides, using House rules. Joint meetings other than those involving the governor are rare. For all other formal business, the legislature functions as two separate bodies that participate in any common action only through the exchange of official messages. When both houses disagree over the final text of a bill, they create a conference committee composed of members from both houses to reach a final agreement.

Committees

Introduction

The size of the legislature and the brief time it is in session require that some of the responsibilities in the legislative process be divided among its members rather than considered solely by the body as a whole. In response to this need, the committee system was implemented to ensure that all legislation receives careful scrutiny.

Throughout Utah legislative history, the roles, structures, and powers of various committees have changed substantially. The Utah State Legislature, like most other state legislatures, has found committees to be essential to the orderly and expeditious conduct of business. Frequently, substantive legislative action occurs in committee rooms rather than on the floors of the two houses.

Types of Committees

Generally, legislative committees in Utah are categorized into eight groups:

1. Committee of the Whole;
2. Conference Committees;
3. Executive Appropriations;
4. Interim Committees;
5. Joint Appropriations Committee;
6. Legislative Management;
7. Special Committees;
8. Special Commissions;
9. Standing Committees; and
10. Task Forces.

Standing Committees

Standing committees are active only during the legislative session where they consider bills introduced in the session. Both houses can create whatever standing committees they deem necessary. Each legislator generally is appointed to sit on two standing committees. The number and structure of standing committees is determined primarily by majority leadership, after consultation with the minority leadership. Titles of the standing committees reflect the subject matter they consider. The names of the eleven standing committees in the Senate and fourteen in the House of Representatives are as follows:

SENATE

Business and Labor;
Education;
Health and Human Services;
Government Operations &
Political Subdivisions;
Judiciary, Law Enforcement and
Criminal Justice;
Natural Resources, Agriculture
and Environment;
Retirement & Independent Entities;
Revenue and Taxation;
Senate Rules;
Transportation and Public Utilities
and Technology;
Workforce Services & Community
and Economic Development.

HOUSE

Business and Labor;
Education;
Health and Human Services;
Government Operations;
House Rules;
Judiciary;
Law Enforcement and Criminal Justice;
Natural Resources, Agriculture
and Environment;
Political Subdivisions;
Public Utilities and Technology;
Retirement & Independent Entities;
Revenue and Taxation;
Transportation;
Workforce Services and Community and
Economic Development.

Joint Appropriations Committees

Every member of the Utah Legislature serves on a Joint Appropriations Subcommittee. Subcommittees are responsible for formulating a state budget for the next fiscal year. The specific budgets they review are as follows:

1. Executive Offices and Criminal Justice

Governor
Lieutenant Governor
Utah Commission on Criminal and Juvenile Justice
Office of Planning and Budget
State Auditor
State Treasurer
Attorney General
Legislature
Utah Courts System
Corrections
Adult Corrections
Youth Corrections
Department of Public Safety

2. Capital Facilities and Administrative Services

Department of Administrative Services/Internal Service Fund
Board of Bonding Commissioners – Debt Service
Capital Facilities
Capital Improvements
Capital Planning
Capital Development
Retirement Board

3. Commerce and Revenue

Department of Commerce
Alcoholic Beverage Control

Citizens Council on Alcoholic Beverage Control
Department of Employment Security
Department of Financial Institutions
Industrial Commission
Insurance Department
Workers' Compensation
Utility Regulation
Tax Commission

4. **Economic Development and Human Resources**

Department of Community and Economic Development Administration
Office of Job Training
Travel Development
Business and Economic Development
Community Development/Community Development Capital
Ethnic Affairs
State History
Fine Arts
Expositions
State Library
Industrial Assistance Fund
State Fair Corporation
Utah Technology Finance Corporation
Utah Housing Finance Agency
Department of Human Resource Management
Career Service Review Board

5. **Health and Human Services**

Department of Health
Executive Director
Health Systems Improvement
Epidemiology and Laboratory Services
Community and Family Health Services
Health Care Financing
Medical Assistance
Health Policy Commission

Department of Human Services
Executive Director
Division of Mental Health
Division of Substance Abuse
Division of Services for People with Disabilities
Division of Family Services
Division of Aging and Adult Services
Office of Recovery Services

6. **Higher Education**

State Board of Regents
University of Utah
Utah State University
Weber State University
Southern Utah University
Snow College

Dixie College
College of Eastern Utah
Salt Lake Community College
Utah Valley State College

7. **Natural Resources**

Department of Natural Resources
Administration
Sovereign Lands and Forestry
Oil, Gas, and Mining
Utah Geological Survey
Water Resources
Water Rights
Wildlife Resources
Parks and Recreation
Department of Agriculture
ARDL Loan Funds
School and Institutional Trust Lands Administration

8. **Public Education**

Utah State Office of Education
Utah State Office of Rehabilitation
Vocational Training
Area Vocational Centers
Utah Schools for the Deaf and the Blind
Utah Symphony
Ballet West
Utah Opera Society
Hansen Planetarium
School Finance Program
School Building Program
Child Nutrition
Educational Contracts

9. **Transportation, Environmental Quality, and National Guard**

Department of Transportation
Support Services
Engineering Services
Construction Management
District Management
Equipment Management
Maintenance Management
Sidewalk Construction
Aeronautics
B & C Roads
Highway Rehabilitation
Federal Construction
State Construction
Comprehensive Emergency Management
Utah National Guard
Department of Environmental Quality
Water Loan Funds

10. Retirement and Independent Entities

Legislators are appointed to each subcommittee by their respective presiding officers, both of whom serve as ex-officio members of all ten subcommittees.

Executive Appropriation Committee

The Executive Appropriations Committee makes final budgetary recommendations which will be included in the Appropriations Act and are based on subcommittee recommendations.

In all decisions made by the subcommittees and the executive committee, a majority vote prevails, but because of the difference in membership size in each house, each vote must include at least 50 percent of the members from each house.

Conference Committee

A special type of joint committee, known as a conference committee, is appointed whenever the Senate and House are unable to reach agreement on a bill. A chairman and two other members are appointed from each house who then attempt to arrive at an acceptable compromise. Conference committees may consider only those provisions in a bill where there is disagreement; committee reports must be accepted by both houses in order for the bill to pass. Unless an acceptable compromise can be reached, the bill in question is defeated.

Committee of the Whole

The Committee of the Whole is a parliamentary device to allow either body to consider issues under less formal circumstances than usually prevails when the legislature is in session. It is most often used to allow individuals to address the body who are not members of the legislature.

Interim Committees

Legislative interim activity has significantly expanded over time, and a 1975 law created study committees who were authorized to meet between sessions. This change was initially approved by a 1973 constitutional amendment enacted in response to increasing demands to involve all legislators in the interim process. The law provides for interim committees of both houses to have the same names and jurisdiction. Thus, during an interim period, interim committees meet jointly with their counterpart in the other house.

Interim committees provide continuity to the legislative process and offer an opportunity for in-depth studies and hearings on important issues between legislative sessions. This continuity improves the quality of legislation and allows more time for citizen input than is typically available in standing committees.

LEGISLATIVE STAFF

House and Senate Staff

Senate Secretary and House Chief Clerk

The Secretary of the Senate and Chief Clerk of the House are nonelected officers of each house who serve in a staff capacity and whose principal responsibilities include reading legislative measures aloud, recording journal proceedings, certifying and transmitting bills and resolutions to other houses, making technical amendments in legislation, informing the other house of any action taken by its chamber, supervising session employees, maintaining custody of official documents, and directing the printing of legislative materials. The secretary and chief clerk are assisted by other specialized clerks.

Sergeant-at-Arms

The Senate and House each appoint a nonelected Sergeant-at-Arms to assist in the orderly discharge of legislative matters. He is responsible for:

1. Supervising the doorkeepers;
2. Preserving order in the lobby and gallery;
3. Guarding the floor from intruders; and
4. Serving all processes issued by order of the presiding officers of the Senate and House.

Professional Staff

Introduction

Professional staff services for the legislature are under the direction of the Legislative Management Committee. This committee is composed of leaders from both houses and additional members chosen by party in each caucus.

The Legislative Management Committee selects the directors for each professional staff offices for six-year terms subject to confirmation by both houses of the legislature. Committee responsibility for overseeing its staff offices is divided among bi-partisan subcommittees which include membership from both houses.

Office of the Legislative Auditor General

The position of Legislative Auditor General was authorized by a constitutional amendment passed in 1972 and implemented by provisions of the Legislative Organization Act in 1975.

The auditor general is required to conduct and prepare comprehensive and special purpose audits which include any or all of the following:

1. An examination to determine the honesty and integrity of fiscal affairs in a state agency and verify the accuracy and reliability of financial controls used to properly record and safeguard the acquisition, custody, and use of public funds;
2. An examination to determine whether administrators have faithfully adhered to legislative intent; and

3. An examination to determine whether the operations of departments, agencies, and other units of state government have been conducted in an efficient and effective manner.

Statutes require that the auditor general obtain access to information necessary to the examination, and give the auditor general the power to subpoena records and agency officials if necessary.

Office of Legislative Fiscal Analyst

The Legislative Fiscal Analyst is selected by the Legislative Management Committee and approved by the legislature. The office of the fiscal analyst is mainly concerned with fiscal oversight and review of the governor's budget proposal.

Thirty days prior to each legislative session, the governor is required to deliver a confidential copy of his proposed budget recommendations to the Legislative Fiscal Analyst. The fiscal analyst reviews the executive budget before the legislature convenes in January and makes recommendations to the legislature on each item in the proposed budget. Recommendations are not only for specific funding levels but include suggestions to an agency administration where it may be failing to carry out the expressed intent of the legislature, calls attention to proposed new services identified in the governor's budget, and references to each item which was previously denied by the legislature.

Prior to and during each legislative session, the fiscal analyst and his staff collect and analyze data to prepare fiscal reports for presentation to the appropriations subcommittees. Personnel from the fiscal analyst's office provide staff services to each appropriations subcommittee and present it with independent budgetary recommendations.

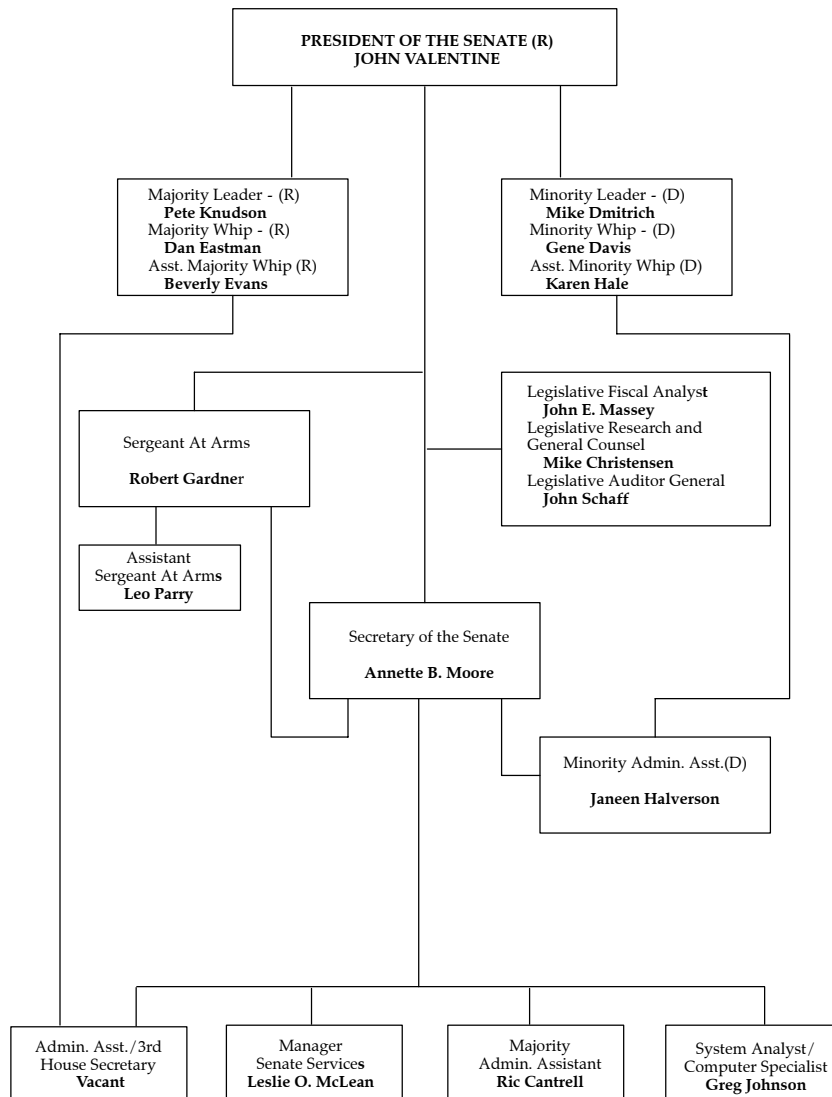
The Office of Fiscal Analyst is also responsible for the preparation of "fiscal notes" for each piece of new legislation. Since most bills have budgetary implications, the fiscal analyst is required to identify and estimate that cost. Fiscal notes represent an independent appraisal and are not binding upon the legislature.

By law, the Legislative Fiscal Analyst is directed to prepare revenue estimates for existing and proposed legislation. Prior to each legislative session, the fiscal analyst prepares detailed revenue estimates for all of the state's operating funds. These estimates are delivered to the legislature in addition to estimates prepared by the executive branch.

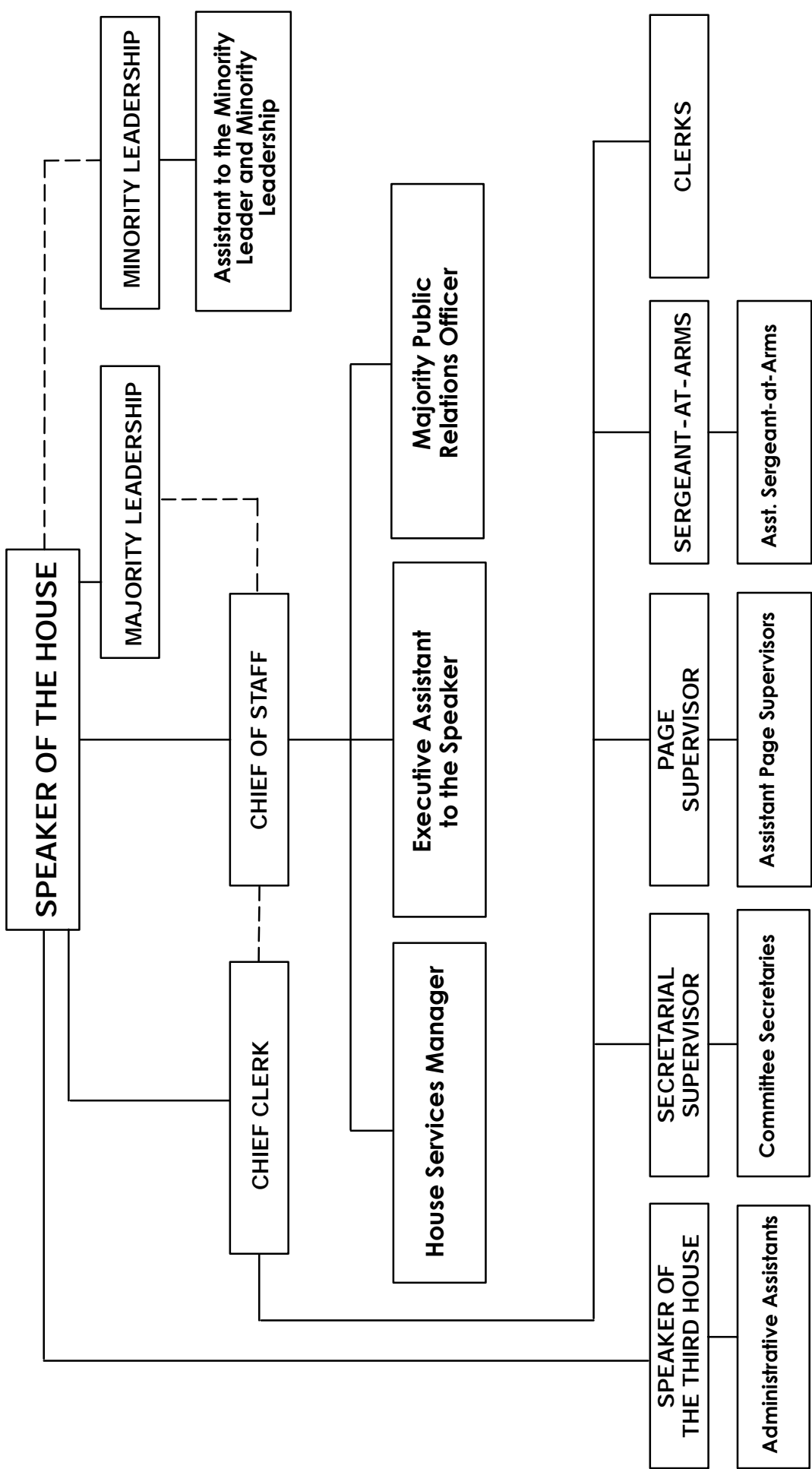
Office of Legislative Research and General Counsel

The Office of Legislative Research and General Counsel provides both legal and research staff services to legislators, standing committees, and interim committees. The office provides legal and policy review of specific topics and makes recommendations to address problems and assess the effectiveness of a particular law, program, or policy. The office also provides all legal support services for the legislature including legislative litigation, drafting legislation, and technical review of all legislation presented to the legislature.

UTAH STATE SENATE ORGANIZATIONAL CHART



ORGANIZATIONAL CHART - UTAH HOUSE OF REPRESENTATIVES



HOW A BILL BECOMES LAW

Enacting legislation, from introduction to final enactment is a long and sometimes difficult process. Knowledge of this process is critical to a successful internship, and a competent intern will be able to track legislation quickly and effectively.

In Utah, the lawmaking process involves six major phases: technical analysis, introduction, committee action, floor action, final review, and executive action. In each of these phases, legislation is given careful scrutiny and review.

Technical Analysis

In a typical legislative session, the Office of Legislative Research and General Counsel receives approximately one thousand bill requests. Attorneys assigned to the bill either develop a bill or review a pre-written bill for content, form, and conflicts with other legislation and with the state or federal constitution.

Introduction

Once a bill has been reviewed for technical correctness, approved by the sponsor and numbered, it is automatically posted on the website, and a hard copy is forwarded to the Senate Secretary or Chief Clerk of the House for introduction. Each bill “read” by short title during the session is considered the first reading.

Committee Action

Following the initial reading, the bill is referred to a Rules Committee in the House or Senate. At this time the bill is ordered to receive a fiscal note estimating what costs would be incurred if enacted. The Rules Committee in the House or Senate examines the legislation and recommends it be sent to a standing committee. The Senate President or the Speaker of the House assigns the bill to a standing committee.

In both House and Senate standing committees, there is no time limit for taking action on a bill. Bills may be amended, held, tabled, or substituted in committee. Any bill tabled in committee and not lifted from the table at the next meeting is sent to the Rules Committee or President of the Senate for filing.

Floor Action

Once a bill has been reviewed and approved by a committee, it is returned to the floor with a committee report. A vote is taken on the House or Senate floor to accept the report. Acceptance of the report implies approval of all amendments or substitutes made by the committee. New amendments, revisions, or reconsideration of committee actions are permitted on the floor.

The bill or resolution is placed on the reading calendar and is open for **general debate** and amendments in the order in which it is placed on the calendar. In the Senate, the final question after its second reading is, “Shall the bill be read a third time?” If the bill receives a constitutional majority, it is placed at the bottom of the third reading calendar.

In the House, acceptance of the committee report completes the **second reading** process. However, in the Senate, bills from committees are placed at the bottom of the second reading calendar in the order they are received. Voting is done on the committee report in the Senate when the bill is considered on the **second reading** calendar. If a bill passes second reading, it is placed at the bottom of the **third reading** calendar and cannot be considered, except under suspension of the rules, until the following day.

The **consent calendar** is used by both houses to facilitate action on bills carrying a unanimous recommendation from assigned standing committees. A standing committee, with the consent of the sponsor, may recommend his bill be placed on this calendar. A bill certified by a committee chairman as a consent calendar bill is placed on the consent calendar following its second reading and remains there unless three members in the Senate or six members in the House state an objection. A bill remains on the consent calendar for three days and is considered for final passage without debate.

The constitution mandates that “. . . every bill shall be **read by title, three separate times in each house** . . . ” This requirement is met by suspending the full reading by a two-thirds vote, in which case the bill is read by its short title and number. Either house, at the beginning of each daily session, votes to suspend the reading of formal titles of all bills which are on the calendar at the time the vote is taken.

Following the approval of legislation on **third reading**, it is certified and transmitted to the other house for a similar procedure. Any changes made in the legislation by the second house must also be adopted by the first house. When disagreements over modifications occur, a **conference committee** is appointed to consider the differences. If the conference committee actions and report are rejected by either house, then a new conference committee may be established. Before a bill in a conference committee is declared lost, each house must vote to refuse further consideration.

No Senate bill or resolution, except appropriations bills, may be considered by the Senate after the **42nd day** of the session. The Senate can suspend this rule by a majority vote. No House bill, except the appropriations bill, can be considered by the House after the **42nd day** of session. The House may suspend this rule by a two-thirds vote of all members. These rules are frequently suspended.

Final Review

After a bill has been signed by the presiding officers of both houses, it is sent to the Office of Legislative Research and General Counsel for enrolling. Enrolling includes a final examination of the bill for technical errors. The enrolled copy, as certified by the secretary or chief clerk, and together with a written message, is transmitted by the house in which it originated to the governor for his approval.

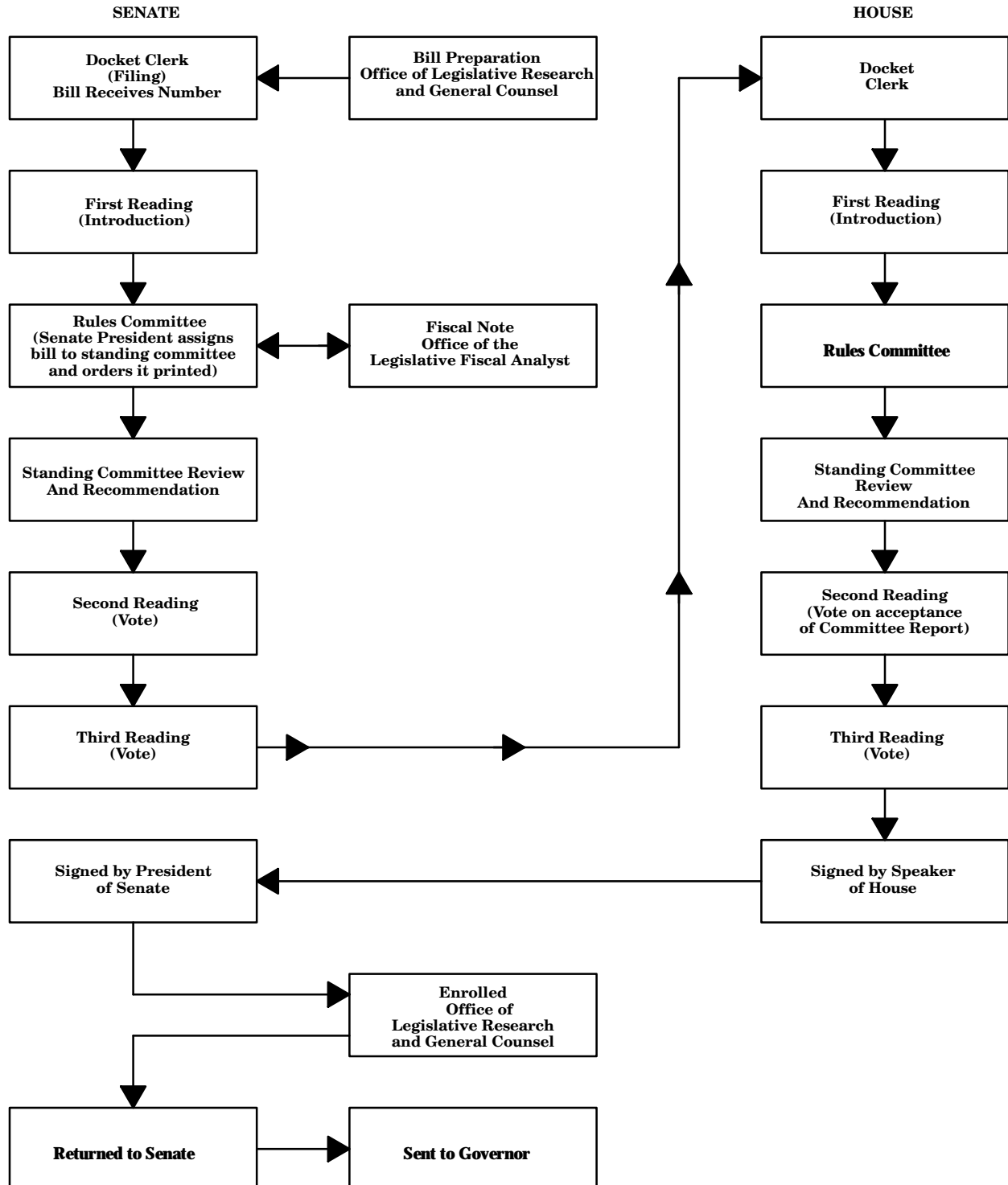
Executive Action

The possible options the governor may exercise on a bill are outlined by the Utah Constitution:

1. After the governor approves a bill, it automatically becomes law 60 days following the legislative session, unless by a vote of two-thirds of all the members elected to each house or unless a date is specified in the bill.
2. If the legislature is in session and the governor fails to sign a bill within ten days after receiving it (Sundays and legal holidays excepted), the bill automatically becomes law without his signature.
3. If the legislature adjourns prior to the ten-day period stated above, the governor is allowed 20 days to arrive at his decision. If the governor wishes to veto the bill, he merely sends the bill and his objections to the lieutenant governor within 20 days. However, if the governor does not take action within 20 days, the measure automatically becomes law without his signature.
4. The governor has an option to veto a bill simply by returning the bill unsigned to the house of origin within the ten-day period, with justification for his veto.
5. The governor has the power to veto specific appropriations items ("line item veto"). However, he is still under obligation to identify the specific items vetoed, along with the justifications.
6. The governor's veto may be overridden by a two-thirds vote of legislative membership in each house.
7. The legislature may call itself back into session to override a gubernatorial veto. Only vetos of legislation may be considered during these sessions.

FROM BILL TO LAW IN THE UTAH LEGISLATURE

(Using a Senate Bill as an example)



TRACKING LEGISLATION

Introduction

Tracking legislation means to monitor a bill through its enactment process. Legislators often have several pieces of legislation that they either have an interest in or are carrying as the chief sponsor. They need to know when their bill is before a committee or is being considered on the floor. Tracking helps legislators know when and where they are needed to provide input on a bill.

Helpful Tools

Since making laws is largely what the legislature is all about, a number of tools are available to track legislation. All of these tools are available on the Utah Legislature website: <http://le.utah.gov>.

Status Sheets – It is printed daily and contains bill numbers, sponsors and titles, a short description and fiscal note, and the standing committee where each bill has been assigned. The status sheet also shows the date the bill passed the second and third reading in the House and Senate and when it was signed by the speaker or president and governor.

Journals – Also published daily, the House and Senate journals record all floor action taken by their respective houses. Each journal contains all the amendments to a bill, committee reports, and voting records on each action taken on the bill.

Committee Meeting Notices – In accordance with law, notices and agendas of standing and appropriations committee meetings are posted at least one day prior to the meeting date. Standing committees generally meet every three days (excluding weekends). Appropriation subcommittees generally meet daily.

Committee agendas are developed by the chairman with the aid of staff and posted on bulletin boards outside the Senate and House chambers. Agendas list the place, time, and date of the committee's next scheduled meeting and the bills to be considered.

Calendars – The House and Senate use a calendar system to keep track of legislation being considered on the floor.

Watching each chamber calendar is a good way to determine when a bill will be considered on the floor. In the Senate, when a bill is reported out of committee, it is placed on the bottom of the second reading calendar. In the House, the committee report constitutes the bill's second reading, and all bills are placed at the bottom of the third reading calendar. The calendar is divided in both chambers to separate House and Senate bills. The bill progresses to the top of the calendar where it is considered. Each house will ordinarily consider bills from the other house on the third and fourth days of each week. Each body may also move any bill directly to the top of the calendar in order to expedite its consideration. If, for any reason, the body wants to delay consideration on a calendar bill, it may move to "circle" it. Once a bill has been circled, it remains stationary on the calendar and bills below it move ahead.

Coloring System – Substitute bills, amendments, and enrolled bills are all printed on different colors of paper which also aids in the tracking process. The following pages show the colors of the various documents.

ALL BILLS ARE INTRODUCED ON WHITE PAPER

**SENATE FLOOR AMENDMENTS
(Tan)**

**HOUSE FLOOR AMENDMENTS
(Pink)**

**AMENDED SENATE BILLS
(Goldenrod)**

**AMENDED HOUSE BILLS
(Lilac)**

**SENATE 1st SUBSTITUTE BILLS
(Green)**

**HOUSE 1st SUBSTITUTE BILLS
(Buff)**

**SENATE 2nd SUBSTITUTE BILLS
(Salmon)**

**HOUSE 2nd SUBSTITUTE BILLS
(Gray)**

**SENATE 3rd SUBSTITUTE BILLS
(Ivory)**

**HOUSE 3rd SUBSTITUTE BILLS
(Cherry)**

**ENROLLED SENATE BILLS
(Canary)**

**ENROLLED HOUSE BILLS
(Blue)**

SOURCES OF INFORMATION

Executive Departments

Employees of executive agencies generally have a good knowledge of legislative issues affecting their agency. They can give you background information about those issues and usually will have an opinion on the merits of a bill. When calling an executive office, identify yourself as a legislative intern, and generally staff will be pleased to meet with you and respond to your inquiries.

Legislative Research Library and Information Center

The Office of Legislative Research and General Counsel maintains a legislative research library and information center.

The legislative information liaisons, Shelley Day and Clay Hatch, will be your main contacts during the session. They are located in W320, House Building, adjacent to your working area.

Law Libraries

The Supreme Court Law Library in the Matheson Court House contains information you may find helpful.

Other law libraries are the S. J. Quinney Law Library at the University of Utah, and the Howard W. Hunter Law Library at Brigham Young University.

Professional Research

The Legislative Research Library and Information Center in the Office of Legislative Research and General Counsel is an excellent source for quick information and direction. Office staff are happy to help you.

Lobbyists

On nearly every legislative issue, lobbyists are available to provide information. While lobbyists are usually knowledgeable in specific subjects, their expressed objective is to influence the legislative process. Therefore, it is useful to verify their information or to get another point of view.

HOW TO USE THE UTAH CODE

Introduction

The *Utah Code Annotated 1953* is a hardback code that contains a complete codification of all laws enacted by the Utah State Legislature. New laws first appear in print in volumes entitled *Laws of Utah*. This publication includes all new laws, amendments to existing laws, and laws repealed during a given legislative session. The laws subsequently are included in the *Utah Code Annotated 1953* with pocket supplements and then with replacement volumes.

Pocket supplements are attached to the back inside cover of each hard bound volume of the code and contain all changes made since the printing of the parent volume. Pocket supplements are issued every year.

The *Utah Code Unannotated* is a complete softbound compilation of the entire *Utah Code* as it has been enacted or amended through each general session. The unannotated code is published every year and is similar to the hardback code except for legislative histories and annotations. Specifically it contains the Utah and United States Constitutions, state and federal court rules, a general index, and miscellaneous tables.

Annotations

Annotations are critical notes and explanations they may include:

1. Notes to decisions
2. Cross references
3. Law Reviews
4. Utah court decisions
5. Collateral references
6. Compiler's notes.

Abbreviations used in historical citations include:

Ch.	Chapter
C. L.	Compiled Laws
C	Code
L	Laws
R. S.	Revised Statutes
Supp.	Pocket Supplement

Citations

The first digit or first two digits preceding the first hyphen refers to the **Title** of the Code; the second digit or digits after the first hyphen refers to the **Chapter** of that title; and the last digit or digits following the second hyphen refers to the **Section** of that chapter.

For example, the numbers 9–10–10 refer to Title 9, Chapter 10, Section 10. The proper citation for this group of numbers is Section 9–10–10, *Utah Code Annotated 1953*.

Index

You can find a subject listed alphabetically in the *Utah Code Annotated 1953*. The index is found in volumes 10 and 11.

For example, suppose your assigned legislator asks you to find out the penalty for automobile homicide.

First: look up “automobile homicide” in the index. Can’t find it? Try looking under “homicide.”

Second: the index shows that automobile homicide is found in 76–5–207. This means Title 76, Chapter 5, Section 207. There is also an asterisk (*) next to the citation. This means to check the pocket supplement. Find the volume that contains title 76 (volume 8 B) and look up your citation in the pocket supplement. Even if your citation is found in the parent volume, it is still necessary to always check the pocket supplement for any changes.

INTERN PROTOCOL

As you participate in your internship, please carefully observe the following guidelines.

In General

1. When your legislator discreetly shares any information with you in private, please keep that information confidential.
2. Prepare all official legislative correspondence on your legislator's letterhead stationery. The intern office manager usually is available to review your letter style and form.
3. If your legislator requests you make a long distance telephone call, always record it on the "Senate Calling Record" if he is a senator or on the "House Calling Record" if he is a member of the House of Representatives. "Calling Records" are located in the intern office, and accounting for each call accurately ensures it is charged to the correct house account.
4. Look for projects you think are worth doing based on your observation of what seems to be important to your legislator.
5. Respect your legislator's schedule and try not to unnecessarily interrupt his work.
6. Find out what your legislator's position is on key issues. If you disagree with his stand on any issue, please remember you represent your legislator and must convey his position without personal bias.
7. Follow through on all your work; complete each project and leave with your legislator in writing, the key information on all subjects you have prepared. It is essential to keep a copy of all information in case it is misplaced by your legislator.
8. Always be prompt in dealing with constituent matters.
9. Your security/name badge identifies you as an intern and must be worn at all times. It is your personal passport for clearing security with doormen and is helpful as you work with other government offices.
10. Once a commitment is made to serve during the session, it is critical to be in the House building each morning at 8:00 a.m. Illness or accidents do occur, and informing the intern office manager any time you will be detained or unavailable is extremely important. Please call as early as possible to report those circumstances causing your tardiness or inability to be at the House building.
11. Since you are occupying a professional position, always dress like a professional. For men, coats, ties and nice slacks or suits are required. For women, professional business attire is required. In both chambers, jeans, levis, or grubbies are strictly prohibited.
12. During the legislative session, interns typically are required to attend weekly meetings with their university coordinator to discuss current issues, listen to guest speakers, and solve problems that may occur from time to time. The Legislative Intern Coordinator will also hold mandatory attendance staff meetings as needed.
13. Never use a legislator's name to obtain information from state or federal agencies unless you have received specific prior approval.
14. Special interests are usually represented by professional lobbyists. Many interns hope to be politically active during their lifetime and some may want to assume that role during their internship. Being a proponent of any issue is not the role of an intern or even professional legislative staff, and it is highly inappropriate to assume

that posture now. Leave lobbying on specific issues to those who have been hired to do so.

15. Do not “hang around” in the house where you are not assigned.
16. Interns are assigned first to the Office of Legislative Research and General Counsel and then reassigned to individual legislators. Every effort is made to consider the needs of both legislator and intern in the placement process. A mature attitude about your appointment will render any condition workable, and only the most extreme circumstances should require resolution. **Meet with your legislator well before the session begins!**

Work Schedules

1. Unless other arrangements are made with the intern coordinator, all interns are required to be on Capitol Hill from 8:00 a.m. until 5:00 p.m., Monday through Friday. Near the end of the legislative session, it may be necessary to work evenings and possibly Saturdays.
2. If you are unable to be on Capitol Hill as required above, notify the intern office manager immediately. On these occasions, he will need to assign other students to cover for you.
3. Although President’s Day and Martin Luther King, Jr. Day are state holidays, the legislature will be in session on those days. Plan on working at the legislature every week day during the session.

Intern Office

The intern office is located in W320 House Building. Since space is **limited**, please limit use of the office to **intern** work. Please be respectful of other staff employees who work in the same area.

Chamber Floor

1. During any time in a 45 day session, do not sit in the desk chair of a legislator. Even if your legislator assumes it is acceptable, please be assured it is not.
2. Smoking is not permitted in any state government building or facility.
3. Unless specifically directed by your legislator, limit your time on the floor of either chamber. Prudently complete your task and leave.
4. When either chamber is sitting as a Committee of the Whole, avoid walking onto the floor. It is distracting to those speaking and could be embarrassing if you were asked to leave.
5. When entering the chamber floor, remember the following:
 - a. Doormen may prefer that you wait outside the chamber while a messenger notifies your legislator. If requested to wait, please do so until your legislator can be contacted.
 - b. After entering the chamber, courteously make your way to your legislator’s desk or be seated until you can do so. Do not stand against the wall of the chamber.
 - c. Do not obstruct the “line of vision” between the president’s or speaker’s podium and a legislator addressing the podium or in a ‘question and answer’ session between legislators anywhere on the floor. Do not walk between the “circle,” the large circular wooden desk surrounding the president or speaker’s podium, and the legislative body.

- d. If you are seated in a chair or on a bench that has been placed against the wall of each chamber and a legislator brings a guest into the chamber, be prepared to offer your place to the guest if other seating is not available.
- e. If you have a lengthy matter to discuss with your legislator, invite him to leave the floor to speak with you, or better yet, talk with him by phone. Excessive conversations or noise during proceedings in the chambers is forbidden. Avoid excessive traffic in and out of the chambers since it becomes an unnecessary distraction to legislators.

Committee Rooms

- 1. When you are in a committee room, remember the following:
 - a. Observation is key in these meetings. Avoid talking with other interns during committee meetings.
 - b. Make yourself physically accessible to your legislator. It's a good idea to communicate with short notes if you feel moved to point out some concern or problem.
 - c. If you speak to a member of the committee or to a person testifying to the committee, address him by the appropriate title, i.e. Senator or Representative. (This is a good idea in any situation.)

Kitchen

Discussing intern access to the House and Senate kitchens is a delicate subject. To avoid any problems, please remember the following:

- 1. Only enter the kitchen connected to the house to which you are assigned. House interns should never go into the Senate kitchen and Senate interns should never go into the House kitchen.
- 2. Limit your time in the kitchen. Go in, get a drink, see a legislator, or whatever you need and leave. You may find yourself in an uncomfortable situation unless you avoid the treats, snacks, and meals provided for legislators in both kitchens. Never eat a noontime meal with your legislator in a committee room. Food is ordered to serve a specific number of legislators.

LEGISLATIVE PROCEDURE

Legislative procedure is prescribed by the legislative rules, constitutional provisions, statutes, general parliamentary law and precedents, and informal rules.

Generally speaking, the Legislature relies on five major **procedural sources**:

1. *Constitutional Provisions* – The Utah Constitution stipulates some basic rules of legislative procedure.
 - a. Each house determines the rules of its proceedings.
 - b. A majority of the members of each house constitutes a quorum to transact business.
 - c. Each house must keep a journal of its proceedings, and, upon request of five members, may have any vote published in the journal.
 - d. A bill or resolution's title is read three separate times in each house prior to final passage, unless two-thirds of the members vote to suspend this requirement.
 - e. A simple majority of the total membership in each house (38 in the House, 15 in the Senate) is required for adoption of any law.
 - f. The final passage on any bill is by "yeas" and "nays." In the House, each vote is electronically recorded.
 - g. The presiding officer of each house must sign all bills and joint resolutions not later than five days following adjournment of the session in which they passed.
2. *Statutes* – All legislative matters, signed by the presiding officer in the chamber, require enrollment by the clerk.
3. *Rules of the House and Senate* – In the opening days of the session, each body adopts his own operating rules. Each body can alter its rules if necessary during the session.
4. *General Parliamentary Law and Precedents* – The rules under which the legislature operates provide that *Mason's Manual of Legislative Procedure* applies when the respective House or Senate rules or joint rules do not provide an answer and when that manual is not inconsistent with the adopted Utah legislative rules.

Compilation of rules for both the House and the Senate are based on a coordinated numbering system. Rules of the same number for both House and Senate correspond to the same subject. For example, Rule No. 20. 02 of the House refers to the election of the speaker and Rule No. 20. 02 of the Senate refers to the election of the president. When a rule number is missing from orderly sequence, it indicates that the opposite house has a rule dealing with a subject which is not covered by the rules of the first house. The joint rules are assigned numbers 1. 00 through 19. 99. The rules of the House and Senate are assigned numbers 20. 00 through 39. 99.

5. *Informal rules* – Informal rules often become customary guides to legislative conduct. Leadership style, time factors, and other circumstances may contribute to the formation of informal rules that guide legislative business.

Order of Business.

Each house usually pursues the following items of business prior to initiating any legislative measures on the first day of each session:

1. The Senate is called to order by the Lieutenant Governor or a designee. The House is called to order by the Chief Justice of the Utah Supreme Court or a designee.
2. An opening prayer is offered at the beginning of the day.
3. The secretary of the Senate and the chief clerk of the House acknowledge before their respective chambers the certifications of the duly elected state senators and representatives.

4. The initial roll call of legislators is made.
5. Legislators are requested to take the oath of office: "I do solemnly swear that I will support, obey, and defend the Constitution of this State, and that I will discharge the duties of my office with fidelity." By custom this oath is administered by a member of the Utah Supreme Court or other individual of high standing.
6. Designated majority party members, by previous arrangement, place their names in nomination for president of the Senate and speaker of the House in their respective chambers. Chamber rules are generally suspended and the nominees are elected by acclamation, and the newly elected officials take their oath of office.
7. Following its initial organization, each house is informed by the other that its members are prepared to proceed with business.
8. The rules committees from each house prepare House and Senate and joint rules for both houses. At the time each house adopts individual and joint rules, the legislature is considered completely organized.
9. The governor is informed the legislature is organized and prepared to do business which includes receiving formal messages and communications from his office.
10. Traditionally the governor delivers his budget proposal in mid-December and his state-of-the-state message early in the session. The budget document contains the governor's recommended budget to operate state programs and the state-of-the-state message makes executive recommendations for potential legislative action.

Both houses of the legislature meet from 8:00 a.m. to 5:00 p.m., Monday through Friday during each session. Legislators work on Saturdays only as scheduled. The rules in each chamber typically list the following order of business:

Senate

1. call to order by president;
2. roll call;
3. prayer;
4. announcement of excused absences;
5. communications from the Governor;
6. communications from the House;
7. reports of standing committees;
 - a. Senate Rules Committee;
 - b. committees reporting out bills;
8. reports of special committees;
9. announcements of committee meetings;
10. introduction of bills and resolutions given to the secretary of the Senate at least one hour before the beginning of the session for inclusion in that day's agenda;
11. unfinished business;
12. consideration of bills on the consent calendar;
13. consideration of bills on the third reading calendar;
14. consideration of bills on the second reading calendar; and
15. miscellaneous business.

House

1. call to order by speaker;
2. roll call;
3. prayer and Pledge of Allegiance;
4. announcement of excused absences;
5. communications from the governor;
6. communications from the Senate;
7. reports of standing committees:
 - a. House Rules Committee;
 - b. committees reporting out bills;
8. reports of special committees;
9. announcements of committee meetings;
10. introduction of bills and resolutions given to the chief clerk of the House at least one hour before the beginning of the session for inclusion in that day's agenda;
11. unfinished business;
12. consideration of bills on the consent calendar;
13. consideration of bills on the third reading calendar; and
14. miscellaneous business.

Call to Order in the Chamber – The Speaker of the Senate or the President of the Senate gavel the chamber to order.

Roll Call – As required by the constitution and stipulated by House and Senate rules, the secretary of the Senate and the chief clerk of the House call the roll in their respective chamber to determine the existence of a quorum. The roll call identifies legislators who are present, excused, or absent. An electronic voting system in the House facilitates this process. All excuses for absence must be obtained from the presiding officer. When a majority of the chamber is not present, the presiding officer announces a quorum is not present and requests the sergeant-at-arms to compel the attendance of legislators who are at the capitol but not in the chamber.

Prayer – A legislator or a guest is invited to offer a prayer at the beginning of the day.

Communications – Messages from the governor or the other house (including bills and resolutions in final form or with amendments) are received by the body in the opening minutes of each day.

Reports of Committees – Three categories of committees have an opportunity to report actions to each legislative body.

1. *Rules Committee* – Following an initial reading of a bill in the House, it is referred to the Rules Committee who considers House organization, grammar, and legality. The Rules Committee reports to the House with a recommendation that specific bills be printed and a recommendation to the speaker as to which standing committee should receive the bill. In the Senate, the president follows a similar procedure.
2. *Standing Committees* – All legislation is referred to a standing committee and is reported back to the house of origin. Each committee must make a favorable recommendation, amend, table, or substitute all bills referred to them.
3. *Conference Committees* – To resolve differences between House and Senate versions of legislative measures, a conference committee, composed of senators and representatives and appointed by their respective houses' will meet to reach a

consensus. The conference committee report to both chambers on the status of its compromise efforts.

Altering the Order of Business

Special circumstances occasionally require the order of business to be altered and is generally accomplished by one of the following three methods:

1. *Special Orders* – By majority of the membership, a fixed time may be set to consider any bill.
2. *Suspension of the Rules* – Either body, by a majority vote, may suspend its rules to consider other business.
3. *Action Out of Regular Order* – A simple majority of those present can decide to consider business out of its regular order.

Order and Decorum

The speaker of the House or the president of the Senate (or their designees) are responsible for maintaining order and decorum in the chambers. This responsibility includes: (1) determining who has the floor to speak; (2) calling members to order for transgressing rules; (3) establishing priorities in the legislative flow of work; and (4) preventing outside disturbances and other disrespectful actions in the lobby and gallery.

Individual legislators are also under obligation to conduct themselves in a manner befitting the responsibility of representing the public. The following points are of particular concern in maintaining order and decorum on the floor of the chamber:

1. The Utah Indoor Clean Air Act prohibits smoking in public property or at public meetings. Smoking is not permitted in either chamber, the gallery, any legislative committee rooms, or any part of the capitol building.
2. Members may not leave the chamber when the presiding officer is calling for a vote.
3. Members may not walk between a speaking member and the presiding officer.
4. Members should maintain respect and properly address the presiding officer and other colleagues. If necessary they may be called to order by any other member, and are subject to the censure of the body for failing to come to order.

Journal

Each house is required to maintain and publish an official journal of its proceedings except its executive sessions. The journal of each house records the introduction of bills and resolutions and all stages of legislative action (amendments, committee hearings, reports, floor action, and votes). The journal may refer to various speeches but usually does not record their content. A vocal recording of all proceedings is made and is available to legislators and the public upon request to the appropriate House or Senate leaders.

Copies of the previous day's journal are distributed to legislators upon request and are available to the public on the internet.

Calendar

Each calendar displays the status of bills and resolutions which is maintained on an electronic board near the side entrance to the chambers. Specific headings, including "Special Order," "Second Reading," "Third Reading," or "Consent Calendar" indicate the status of legislation.

The introduction of a bill constitutes its first reading. Then it is referred to the Rules Committee. The Rules Committee sends bills to the floor with a recommendation that they be referred to a specific standing committee. In the House, accepting by vote of the body the standing committee report is considered to be the second reading of the bill. Bills reported by Senate committees are placed at the bottom of the second reading calendar in the order they were received. The standing committee report is read before the bill is placed on the second reading calendar. When a bill passes second reading in either the House or the Senate, it is placed at the bottom of the third reading calendar and cannot be considered until the following day except under suspension of the rules.

The **consent calendar** is used in both houses to facilitate action on bills receiving a unanimous recommendation from the assigned standing committee. Upon request of its sponsor, a committee may recommend a bill be placed on the consent calendar. Legislation certified as a consent calendar bill by a committee chairman is placed on the consent calendar following its second reading (committee report) and remains there unless it receives an objection by three members in the Senate or by six members in the House. After remaining on the consent calendar for three days, a bill is considered for final passage without debate.

Legislative Procedure

Prior to speaking, a legislator first must be recognized by the presiding officer and then may proceed to address that officer. On occasion, two or more legislators may attempt to be recognized simultaneously and the presiding officer will determine who is recognized and will take the floor first. The privilege of speaking, however, is limited because of the number of legislators and the volume of legislative matters. Legislators of both houses are prohibited from addressing a particular issue more than twice in any given stage of the legislative process and House members may not speak for more than 15 minutes per address.

Following recognition by the chair and stating the motion, the president of the Senate or the speaker of the House repeats the motion to the chamber. If the motion is written (as is required of all amendments and resolutions which exceed ten words in the Senate and fifteen words in the House), the secretary of the Senate, the reading clerk of the House, or the presiding officer reads the statement for the respective houses.

Frequently, motions are used to expedite legislative matters, to delay consideration while supporting or opposing forces are mobilized, and to delay or suspend action indefinitely. Controversial issues may be won or lost simply due to knowledge of parliamentary procedure. Each house can determine the **precedence of motions** with the general format in recent sessions being in the following order:

Senate

1. to determine the time to which to adjourn;
2. to adjourn;
3. to recess with the senator having the floor retaining the floor when the Senate reassembles;
4. to call the Senate;
5. to refer to a committee (commit or recommit);
6. to table;
7. to circle;
8. to postpone to a time certain;
9. to postpone indefinitely; or
10. to amend.

House

1. to determine the time to which to adjourn;
2. to adjourn;
3. to recess;
4. to call the House;
5. to move the previous question;
6. to refer to a committee (commit or recommit);
7. to table;
8. to limit debate;
9. to postpone to a time certain;
10. to postpone indefinitely;
11. to strike the enacting clause; or
12. to amend.

The following statements are explanations of selected motions:

1. *Motion to Adjourn* – Motions to adjourn, to adjourn to a fixed time, and to recess are always in order except: (a) when another member is speaking; (b) when a previous similar motion has been defeated with no intervening business having been transacted; or (c) when a vote is being taken. Members can amend a motion to adjourn or to recess or set or alter a specific time to adjourn or reconvene. Consent from the other house must be obtained prior to adjournment for more than three days.
2. *Personal Privilege* – A request for personal privilege, if granted, allows an individual legislator specific rights and privileges and ranks immediately behind motions of adjournment and recess. It is most often used when a legislator wants to introduce visitors to the chamber.
3. *Motions to Commit or Postpone* – A motion to refer a bill to a committee, until decided, precludes all amendments and even debate on the main question. A motion to postpone action on a measure indefinitely or to a day certain, until it is decided, precludes all amendments on the main question.
4. *Previous Question* – This motion closes debate and stops further amendments by ordering a vote on the question and requires a two-thirds vote. A favorable vote

requires an immediate vote on the issue or its amendments. This motion may not be used in the Senate, however.

5. *Lay on the Table* – This action, if adopted, temporarily disposes of a matter, but it can be recalled to the agenda or calendar at any time.
6. *Motion to Circle* – A vote to “circle” a bill permits the body to hold a measure in its place on the calendar temporarily. If action is not taken in the Senate to remove the circle by the conclusion of the same day, the bill is automatically tabled.
7. *Division of Question* – When an issue contains several points, a legislator may move to have the points divided. A motion to strike out and insert is not subject to division.
8. *Motion to Reconsider* – A member of either house who has voted on the prevailing side of the final passage of a bill may, within the next day of the session, move for reconsideration of the question. A motion to reconsider requires a majority vote to pass. However, a motion to reconsider may not be permitted if made within three days of final adjournment. The Senate or House may request the return of a bill for reconsideration if it has been sent to the other house.
9. *Motion to Strike Enacting Clause* – The motion to strike the enacting clause has precedence over a motion to amend and, if adopted, serves as a rejection of the bill. It is the manner in which all bills remaining on the calendar or that have not been considered are rejected at the end of a session.
10. *Amendments* – Several stipulations concerning amendments are found in the rules of the House and Senate.
 - a. All amendments must relate to the subject matter of the bill under consideration.
 - b. Amendments are permitted on both the second and third reading of a bill in the Senate.
 - c. If bills with amendments or substitutions pending the amendments are permitted on the third reading of a bill in the House and are forwarded to a committee for additional consideration, action on such amendments or substitutions must be reported to the Senate or House.
 - d. The attention of the legislators is directed to the amendment before the principal issue is considered.
 - e. Vocal support for an amendment does not imply support for the principal measure.

Voting

Rules for voting are as follows:

1. *Amend or suspend the rules* – Senate and House Rules 34. 01 require a 2/3 vote to suspend certain named Senate or House rules. All other Senate and House rules may be suspended by a majority vote.
2. *Final passage of bills and resolutions* – The vote on final passage is a majority of those elected, except that if a measure is to take effect sooner than 60 days after adjournment it must have a 2/3 vote of all members.
3. *Impeachment by House* – 2/3 of those elected must vote in favor of this motion in order to convict.
4. *Conviction on impeachment by Senate* – 2/3 of those elected to the Senate must vote in favor of this motion in order to convict.

5. *Override a veto* – 2/3 of those elected must vote in favor of the bill for it to become law over the Governor’s veto.
6. *Proposing a constitutional amendment or convention* – 2/3 of those elected must approve this action before it may be submitted to the electorate for its approval.

Five principal **methods of voting** employed by both houses of the Utah Legislature are:

1. *“Unanimous Consent”* – Generally for house operations and procedural matters.
2. *“Voice Vote”* – The yeas and the nays are expressed, with the presiding officer determining by sound the proper decision.
3. *“Show of Hands”* – All hands are counted.
4. *“Division of the House”* – Similar to the previous method, except that members stand.
5. *“Roll Call”* – Each member’s vote is recorded individually in alphabetical order. Roll call voting is required of all bills and resolutions on final passage. Prior to the announcement of the voting results, legislators are entitled to alter their votes.

Voting is by voice in the Senate and entered manually into the electronic system. Although electronic voting equipment is most frequently used by the House, voice vote may also be used. Each House member’s desk contains a small console consisting of “yes” and “no” voting buttons, a messenger page button, a button to request recognition from the speaker to address the House, and a button which flashes to indicate an incoming telephone call. The voting and recognition buttons are connected to a larger console at the speaker’s desk to enable the speaker to control floor action. In addition, the majority and minority leaders have direct telephone lines to the speaker. The Senate president controls the microphone at each senator’s desk. A light flashes to indicate incoming telephone calls at each senator’s desk.

Legislators and Ethics

The legislature has established committees on rules and ethics in each house that are responsible for adopting guidelines in matters involving potential conflicts of interest.

The Ethics Committee in each house enforces rules of ethical conduct. Whenever a member is found guilty of violating any rule or its intent, the Ethics Committee recommends appropriate action to the member’s respective house. Acceptance of a recommendation for expulsion requires a 2/3 vote of all the members in the respective houses. All other recommendations require only a majority vote.

The committees attempt to oversee legislative behavior and to prevent or report conduct in the following areas:

1. action that destroys the independence of judgment of a legislator;
2. exercise of undue influence upon any governmental agency or entity; or
3. abuse of official position or a violation of trust.

A legislator may engage in any business relationship or activity that does not require disclosure of confidential information obtained by reason of official position. A legislator may engage in any business or professional activity in competition with others if information gained by reason of official position is not used to win any advantage over any competition for activities with the state or a political subdivision of the state.

A legislator has a personal conflict of interest in the proper discharge of legislative duties if he has reason to expect monetary gain or direct monetary loss by reason of the legislator’s official activity. However, a legislator does not have a personal conflict of interest in the proper discharge of duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group to a greater extent than to any other member of that business, profession, occupation, or group.

During a legislative session, a legislator must declare any interest in a bill affecting a business entity in which the legislator is an officer, director, agent, or employee or in which he holds a substantial interest. In the House, this may be done by filling out a “Declaration of Conflict of Interest Form” and filing it with the chief clerk. A legislator may enter into transactions by contract with the state after public notice and competitive bidding.

A legislator may not use his official legislative position to secure special privileges for himself or others nor engage in employment or other activities that would impair judgment in the performance of public duties. A legislator may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties. While in session, the legislator must disclose any personal or pecuniary interest in legislation, but when the Legislature is not in session a legislator may engage in business or professional activities with the state or any political subdivision of the state if the activities are entered into under the same conditions and in the same manner as any private citizen or company engaged in similar activities.

LEGISLATIVE PROCEDURE AT A GLANCE

To Do This:¹	You Say This:	May you Interrupt Speaker?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote is Required?
Determine time to adjourn	"I move we adjourn until . . ."	No	No	Yes	Majority
Adjourn the meeting	"I move we adjourn."	No	No	No	Majority
Motion to reconsider	"I move we reconsider the vote whereby House (or Senate) Bill (or Resolution) No. _____ was passed (or failed passage)."	No	Yes	No	Majority
To recess	"I move we recess until . . ."	No	No	Yes	Majority
To call the House	"I move a call of the House."	No	No	No	10 in House 5 in Senate
End debate	"I move previous question."	No	No	No	See footnote ⁷
Refer to committee	"I move we refer this matter to . . ."	No	Yes	Yes	Majority
Suspend further consideration of something	"I move we table . . ."	No	No	No	Majority
Limit debate	"I move we limit debate to . . ."	No	Yes	Yes	2/3 in House Majority in Senate
Postpone to time certain	"I move to postpone consideration of . . . until . . ."	No	Yes	Yes	Majority
Postpone indefinitely	"I move that . . . be postponed indefinitely."	No	Yes	Yes	Majority
Strike enacting clause	"I move to strike the enacting clause."	No	Yes	Yes	Majority
To amend	"I move to amend . . ."	No	Yes	Yes	Majority

OTHER MOTIONS²

Complain about noise, introduce a guest, etc.	"Point of personal privilege."	Yes	No ³	No	No Vote ⁴
Object to a procedure or to a personal affront	"Point of order."	Yes	No	No	No Vote ⁴
Request information	"Point of information."	Yes	No	No	No Vote
Ask for a vote by actual count to verify a voice vote	"I call for a division of the House (or Senate)."	No ⁵	No	No	5 in House 5 in Senate
Take up a matter previously tabled	"I move we take from the table . . ."	No	No	No	See footnote ⁶
Consider something out of its scheduled order	"I move we suspend the rules and consider . . ."	No	No	No	Majority
Vote on ruling by the chair	"I appeal the chair's decision."	Yes	Yes	No	Majority

¹The motions or points below are listed in established order or precedence. When any one of them is pending, you may not introduce another that is listed below it, but you may introduce another that is listed above it.

²The motions, points, and proposals listed below have no established order or preference.

³In this case, any resulting motion is debatable.

⁴Chair decides.

⁵Division must be called for before another motion is started and may be made without being recognized.

⁶2/3 vote of those present in Senate required to lift from Committee. Constitutional 2/3 in House. Majority vote in Senate committee. 2/3 vote in committee in House.

⁷Majority vote in Senate committee. 2/3 vote of members present in House committee. Motion takes 2/3 vote on House floor. Motion is not in order on the Senate floor.

NOTE: All of these provisions are subject to change, provided the proposed change does not violate a provision of the Constitution or statute.

GLOSSARY OF LEGISLATIVE TERMS

Act – A bill passed by the legislature.

Action – Any step of legislative procedure relating to a proposed law.

Ad Hoc Committees – Committees appointed by the presiding officers for special purposes which are dissolved upon completion of assignment.

Adjourn – A verbal request to discontinue the proceedings, often to prevent further consideration of an issue. The request to adjourn is generally in order except when voting or when another legislator is speaking.

Adjournment – Termination of legislative activities at the conclusion of each legislative day with indication of the next day's meeting time. Neither house may adjourn for more than three days without the consent of the other body.

Adoption – Indicates approval or acceptance and can refer to amendments or entire legislative measures.

Advice and Consent – Confirmation by the Senate of particular executive branch appointments.

Amendment – Any modification, deletion, or addition which alters form or substance of legislation.

Apportionment – A division of the state into its electoral districts.

Appropriation – A legislative authorization to make expenditures and incur obligations.

Bicameral – A two-house legislature.

Bill – A proposed law, requiring support of both houses and the governor's action for enactment.

Bond – A certificate of indebtedness issued by a government as evidence of money borrowed. General obligation bonds represent the full faith and credit of the issuing government. Revenue bonds are repaid with funds derived from earnings gained through the facility financed.

Budget – Estimates of proposed expenditures and expected revenues for a fiscal year.

Calendar – A sequential listing of bills and resolutions for floor consideration.

Caucus – A closed meeting of legislative party members to determine course of action.

Chief Clerk – An officer of the House, appointed by the speaker, who is responsible for House staff and its operation.

Circle – The curved arrangement of desks and seating for the Senate secretary and special clerks and the House chief clerk and special clerks.

Circle a Bill – To temporarily postpone action on a measure without removing it from its place on the calendar.

Code (Utah Code Annotated) – A complete codification and compilation of all effective and current laws of the state, arranged according to subject matter.

Committee of the Whole – A procedure in which the entire membership of a single house constitutes a committee to consider legislative matters. It is most often used to permit an individual who is not a member of the house to address members on a bill before the house.

Concurrence – One house “accepts” the actions of the other house.

Concurrent Resolution – A measure generally used to express sentiment of intent, having support of both houses and signature of Governor.

Conference Committee – A committee of members of the House and Senate that confers on differences in measures which have passed both houses.

Confirmation – Senate action with respect to executive appointments requiring advice and consent.

Consent Calendar – A special calendar allowing consideration of bills without debate and requiring committee support and committee chairman endorsement.

Division – Method of voting called for by members to verify by actual count the results of a voice vote.

Enacting Clause – The phrase preceding each proposed bill, “Be it enacted by the Legislature of the State of Utah. ” Resolutions state, “Be it resolved by the. . .”

Enrolled Bill – An exact, accurate, and official copy of an enacted Senate or House bill. This copy is sent to the governor for executive action.

Executive Order – An administrative directive announced by the Governor.

Fiscal Note – A statement from the legislative fiscal analyst showing estimated cost or cost savings in a particular bill.

Fiscal Year – A period (July 1 – June 30) at the end of which the state ascertains its financial conditions.

Floor – Reference to the interior of the chamber. “Floor action” refers to action in the chamber or a measure under consideration.

General Appropriation Bill – The major appropriation bill covering all estimated expenses of state government for a complete fiscal year.

Hearing – A legislative committee meeting at which witnesses from the general public are invited to participate.

Immunity – A constitutional privilege from arrest – – except for treason, felony or breach of the peace – – 15 days prior to, during, and 15 days after the session and for words used in any speech or debate.

Impeachment – A charge brought by the House and tried in the Senate to remove an elected official from office.

Indefinite Postponement – A procedural recommendation to forestall further action on a legislative measure.

Inquire – A request for clarification of action or language.

Joint Resolution – An expression of intent representing both houses and requiring no signature of the governor. Constitutional amendments proposed to the voters are in the form of joint resolutions.

Journal – An official record maintained by each house on a daily basis indicating specific actions and recording votes.

Lay on the Table – Procedural action to temporarily postpone action. Matter may be recalled at later date.

Legislative Day – A day in which a legislative session takes place.

Legislative Oversight – The responsibility of the legislature to review operations of executive agencies.

Lobbyist – An individual representative of a special interest group whose function is to urge support for or opposition to legislative matters.

Majority Leader – Spokesman and floor leader for the majority party in each house.

Minority Leader – Spokesman and floor leader for the minority party in each house.

Move Previous Question – A nondebatable House parliamentary motion to conclude debate and proceed to vote on the issue.

Prefiling – Submitting bills and resolutions for filing prior to the legislative session.

President – The presiding officer in the Senate.

Quorum – Specific number of legislators required before official business can be transacted.

Reading – Refers to the following stages of the legislative process:

First Reading – Required of all bills and resolutions and accomplished by receiving a number and stating the title.

Second Reading – Occurs in the House as bill is reported back to the floor with a committee recommendation. Debate and second reading vote follows. In the Senate, the second reading must wait at least one day following the committee report.

Third Reading – Final phase in the consideration of a bill, followed by debate, further amendments if any, and final vote.

Regulation – An executive ruling or order authorized by legislative statute.

Resolution – Expression of legislative intent and in the form of simple, joint, or concurrent.

Rules – Procedures of action as determined by each house or in joint action.

Saunter – To recess briefly without disrupting floor action, usually for only a few minutes. This is used most often to await printing of amendments or arrival of a member or individual involved in a bill under consideration.

Seniority – An informal means of recognizing prior legislative experience. Deference is often given to committee assignments or other prerogatives based on seniority.

Sine Die – Adjournment “without day” i. e., final adjournment of the legislature.

Speaker – The presiding officer in the House of Representatives.

Speaker of the Third House – A member assigned as the social liaison of the house with the business community.

Special Order – Matter of business scheduled by the house for a specific day and time.

Sponsor – A member who authors or agrees to introduce a measure.

Strike Out – A motion expressing intent to change a bill by removing a particular section or sentence.

Substitute Bill – A measure used – – instead of extensive amendment – – to consider a bill with the same number and sponsor and covering the same subject area but whose substance has been considerably altered.

Suspend the Rules – A parliamentary procedure to remove obstacles either for voting, consideration, or status.

Table a Bill – To indefinitely postpone action on a measure.

Unicameral – A one–house legislature. Only Nebraska uses this form.

Veto – An official action of the Governor to nullify legislative action. The Legislature may override the action by a 2/3 majority vote of each house if still in session or if called back into veto override session.

Whip – An individual selected to assist the party floor leader.

THE BUDGETARY PROCESS

The budget of the state is a statement of policy expressed in monetary terms. If a budget is well planned, it is a valuable tool in measuring the effectiveness of government.

According to the Budgetary Procedures Act of 1969, the Utah budget must include: (1) a statement of the state's current assets, liabilities, and reserves; (2) any surplus or deficit; (3) itemized appropriations; (4) debts and funds; (5) an estimate of the state's financial condition at the beginning and the end of the budget period; (6) any lease with option to purchase arrangements made by state agencies; and (7) any recommendations for reducing expenditures or increasing revenues. Stated briefly, the budget is a projection or estimate of revenues and expenditures for the state during a specified period of time.

The Utah budgetary procedure follows three steps: (1) preparation of the governor's budget by the governor and his staff; (2) review, modification and adoption of the final budget by the legislature; and (3) administration of the budget by the executive branch.

Budget Preparation — The governor and the executive staff, primarily the director of the Office of Planning and Budget, have the responsibility to prepare the budget. The governor requires all state administrative agencies and applicants for state funds to provide itemized estimates of revenue and expenditure. The governor may revise estimates for all purposes except for the legislature, salaries and expenditures set by the constitution or state law, and payment of principal and interest on state debts. The budget's total appropriations may not exceed estimated revenue from all sources for the ensuing fiscal year. At least thirty days prior to a session of the legislature, the governor must submit a confidential copy of the budget to the Office of the Legislative Fiscal Analyst for study.

The final step in budget preparation is the governor's budget message to the legislature, at which time the governor has an opportunity to explain the document. The governor must deliver a clearly itemized and classified budget to the presiding officers of both houses.

Review and Adoption — The legislature has the responsibility to examine the budget proposal, alter it when necessary, and pass a final appropriations bill. The legislature is assisted in this task by the Office of the Legislative Fiscal Analyst, that prepares an analysis of each budgetary proposal.

The Joint Appropriations Committee — is composed of all the members of the House and Senate. This committee is divided into nine subcommittees, each of whom considers a specific portion of the budget. The subcommittees report to an Executive Committee of the Joint Appropriations Committee. The Executive Committee is composed of the legislative leadership, the House and Senate Appropriations Committee Chairmen, and others appointed to achieve political balance. The Appropriations Executive Committee makes final recommendations and prepares the appropriations bill for floor action.

The Office of the Legislative Fiscal Analyst — prepares and presents reports to each appropriations subcommittee. Each of the fiscal analysts review the budget area they have been assigned before the legislature convenes and make recommendations to the legislature on each item or program. The fiscal analyst's responsibilities cover not only recommending specific funding levels but: (1) noting instances in which the administration may be failing to carry out the expressed intent of the Legislature; (2) calling attention to proposed new services contained in the governor's budget; and (3) pointing out items which have been previously denied by the legislature.

Budget Administration — After the budget has been adopted, it becomes the responsibility of the governor and the executive branch to implement it. Allotments of state funds to various agencies are made on a quarterly basis. Collections of revenue and credits are

deposited in the state treasury and are credited where appropriate. Excess collections may be used only for purposes which have been approved by the legislature and the governor.

The governor may authorize functional transfers of funds within an appropriation authorized by the legislature, but funds may not be transferred between appropriation items. The governor also may require across-the-board decreases in expenditures if revenues fall short of the amounts projected in the budget. Excess funds in accounts at the end of the fiscal year are closed out (lapsed) except for certain funds which are noted in the Appropriations Act or in Utah statutes.

The budgetary process is summarized in the chart on the following page.

UTAH BUDGETARY PROCESS

